

Docket No.: 243563US8/phm

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Sung Uk MOON, et al.

SERIAL NUMBER: 10/678,107

GROUP: 2611

FILED: October 6, 2003

EXAMINER: FOTAKIS, A.

FOR: MOBILE COMMUNICATION SYSTEM, MOBILE COMMUNICATION
METHOD, AND RADIO STATION SUITABLY USED FOR THE SAME

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

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SIR:

Applicants acknowledge with appreciation the indication of allowability of the claimed invention. In response to the Examiner's Statement of Reasons for Allowance in the Notice of Allowance of November 3, 2009, Applicants respectfully submit the following comments.

In the Examiner's Statement of Reasons for Allowance, page 4 of the Notice of Allowance states in part:

The following is a statement of reasons for the indication of allowable subject matter:

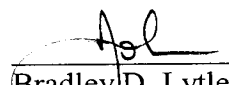
Re independent claims 1-2 and 7, the prior art of record does not disclose of a first radio station comprising: a communication quality acquirer configured to acquire the communication quality from the first mobile station each of the plurality of mobile stations belonging to the specific multicast group, acquire a communication quality of a signal transmitted from the second radio station to the second mobile station belonging to the specific multicast group, and select the lowest communication quality from among the acquired communication qualities.

Re independent claims 4 and 8-9, the prior art of record does not disclose of a communication quality acquirer configured to acquire, from the first mobile station, a communication quality of a signal transmitted from the radio station to the first mobile, acquire, from a different radio station, a communication quality of a signal transmitted from the different radio station to a second mobile station belonging to the specific multicast group, and calculate an average value of the communication qualities acquired.

It is respectfully noted that independent Claims 1, 2 and 7-9 do not include this language. For example, Claims 1 and 2, do not include a reference to "each of the plurality of mobile stations belonging to the specific multicast group". Claim 8 does not include a reference to "a communication quality of a signal transmitted from the radio station to the first mobile,". Claims 7 and 9, being directed to a mobile communication method, do not include a reference to structure as may be implied and/or inferred by the examiner's statement. For example, Claims 7 and 9 do not include a reference to "communication quality acquirer". Claims 7 and 9 are patentable by virtue of the limitations recited therein rather than the structure of the apparatus. Accordingly, it is respectfully submitted that the above-quoted statement does not apply to Claims 1, 2 and 7-9 to the extent the language used in the statement differs from the language of the claims.

Respectfully Submitted,

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